

## EXHIBIT "D"

### **Initial Rules (Revised May 28, 2014)**

The purpose of Rules is not to anticipate all acceptable or unacceptable behavior in advance and eliminate all improvements or activities that fall outside of "the norm". In fact, it is expressly intended that the Reviewer under Chapter 5, and the Board, as appropriate, have discretion to approve or disapprove items, or to enforce or not enforce technical violations of the Governing Documents, based upon aesthetic or other considerations consistent with the established guidelines. As such, while something may be approved or permitted for one Unit under one set of circumstances; the same thing may be disapproved for another Unit under a different set of circumstances. The exercise of discretion in approving or enforcement shall not be construed as a waiver of approval or enforcement rights, nor shall it preclude the Board from taking enforcement action in any appropriate circumstances.

The following shall apply to all of Daybreak until such time as they are modified pursuant to the Charter.

1. **General.** Daybreak shall be used only for purposes consistent with the Master Plan, this Charter and any Supplement.

2. **Restricted Activities.** Unless expressly authorized by, and then subject to such conditions as may be imposed by, the Board, **the following activities are prohibited within Daybreak:**

(a) Parking of any kind on a Unit other than on designated driveways and in enclosed garages, parking of any kind, for any period of time, on any portion of an alleyway, parking any equipment, equipment trailers, commercial vehicles over 1 ton, golf carts, stored vehicles, or inoperable vehicles on public or private streets or thoroughfares, on any Unit or in places other than enclosed garages, and the parking of recreational vehicles, mobile homes, boats and other watercraft, and trailers on any Unit other than enclosed garages; **provided**, construction, service, and delivery vehicles shall be exempt from this provision during normal business hours for such period of time as is reasonable necessary to provide service to make a delivery to a Unit or the Common Area, **and** recreational vehicle, mobile homes, boats and other watercraft and trailers may be parked in driveways or on public or private streets or thoroughfares for no longer that twenty-four hours in any four-day period for the purpose of loading and unloading of the recreational vehicle;

(b) Raising, breeding, or keeping animals except that the number of dogs, cats, or other usual and common household pets that may be permitted in a Unit is limited to two (2) per species over the age of 4 months, in compliance with City of South Jordan Residential Zone Code # 17.40.020. However, those pets which are permitted to roam free, or, in the Board's sole discretion, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Units shall be removed upon the Board's request. If the pet owner fails to honor such request, the Board may remove the pet. Dogs shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling. Pets shall be registered, licensed and inoculated as required by law;

(c) Any activity that emits foul or obnoxious odors outside the Unit or creates noise or other conditions that tend to disturb the peace or threaten the safety of the occupants of other Units;

(d) Any activity that violates local, state or federal laws or regulations; however, the Board shall have no obligation to take enforcement action in the event of a violation;

(e) Pursuit of hobbies or other activities that tend to cause an unclean, unhealthy or untidy condition to exist outside of enclosed structures on the Unit;

(f) Any noxious or offensive activity that in the reasonable determination of the Board tends to cause embarrassment, discomfort, annoyance or nuisance to persons using the Common Area or to the occupants of other Units;

(g) Outside burning of trash, leaves, debris, or other materials;

(h) Use or discharge of any radio, loudspeaker, horn, whistle, bell or other sound device so as to be audible to occupants of other Units, except alarm devices used exclusively for security purposes;

(i) Use and discharge of firecrackers and other fireworks;

(j) Accumulation of rubbish, trash or garbage except between regular garbage pick ups and then only in approved containers;

(k) Discharge or brandishing of firearms; provided, the Board shall have no obligation to take action to prevent or stop such discharge;

(l) On-site storage of fuel, except that a reasonable amount of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment and the Association shall be permitted to store fuel for operation of maintenance vehicles, generators and similar equipment;

(m) Any activities that materially disturb or destroy the vegetation, wildlife, wetlands or air quality within Daybreak or that use excessive amounts of water or that result in unreasonable levels of sound or light pollution;

(n) Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area on any Unit without prior approval pursuant to Chapter 5;

(o) Any modification of any thing, permanently or temporarily, on the outside portions of the Unit, whether such portion is improved or unimproved, except in strict compliance with the provisions of Chapter 5. This shall include, without limitation, signs, and swing sets and similar sports and play equipment; clotheslines; garbage cans; woodpiles; above-ground swimming pools; docks, piers and similar structures; hedges, walls, dog runs, animal pens or fences of any kind; and satellite dishes and antennas, except that:

- (i) an antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter; or
- (ii) an antenna designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or
- (iii) an antenna that is designed to receive television broadcast signals; (collectively, "**Permitted Antennas**") shall be permitted on Units, subject to such reasonable requirements as to location and screening as may be set forth in the Design Guidelines, consistent with applicable law, in order to minimize obtrusiveness as viewed from streets and adjacent property. The Founder and/or the Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable or other communication system for the benefit of all or a portion of Daybreak, should any master system or systems be utilized by the Association and require such exterior apparatus; and

(p) Holding or conducting of any garage or yard sale on any Unit shall be prohibited; however, the Association shall be permitted to conduct an annual community-wide garage or yard sale for the Owners within Daybreak at a time and place it designates.

**3. Prohibited Conditions.** The following shall be prohibited at Daybreak:

(a) Plants, animals, devices or other things of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of Daybreak;

(b) Structures, equipment or other items on the exterior portions of a Unit which have become rusty, dilapidated or otherwise fallen into disrepair;

(c) Permanent basketball goals, portable basketball goals, basketball standards or backboards which are or would be visible from any street or Common Area; provided, permanent basketball goals may be placed on a Unit without prior approval, but may only be placed or installed on the garage of a Unit so that it is not visible from the street. Freestanding pole-mounted or portable backboards, whether permanent or sleeve-set, shall be prohibited on the Unit; provided, freestanding pole-mounted or portable backboards may be placed on a Unit, if placed more than 30 feet from the curb adjacent to the front yard of the Unit and to the side yard of a Units located at the intersection of two streets or alleys;

(d) No solar heating equipment or device is permitted outside any enclosed structure on the Unit except such devices whose installation and use is approved by the Reviewer. Notwithstanding such protection, an application for such equipment or device must be submitted for approval under Chapter 5 prior to installation and approval will be granted only if:

- (i) First, such equipment or device is designed for minimal visual intrusion when installed (*i.e.*, is located in a manner which minimizes visibility from the street or an adjacent Unit and is consistent with the Community-Wide Standard); and
- (ii) Second, the equipment or device complies to the maximum extent feasible with the Design Guidelines within the confines of the applicable governmental regulations

In any event, and notwithstanding the above list of prohibited conditions, any structure, improvement or thing proposed for construction, erection, installation or placement on an Unit requires prior Reviewer approval in accordance with Chapter 5, unless specifically made exempt under the Design Guidelines; and

(e) Sprinkler or irrigation systems or wells of any type which draw upon water from lakes, creeks, streams, rivers, ponds, wetlands, canals or other ground or surface waters within Daybreak; provided, this subsection shall not apply to the activities of Founder or its designees.

4. **Wetlands, Lakes, and Other Water Bodies.** Wetlands, lakes, ponds and streams within Daybreak, if any, are part of the Daybreak's storm water management system and no active use of lakes, ponds, streams or other bodies of water within the Community is permitted, except fishing, the use of non-motorized watercraft, and the Council's operation of marinas on the lake within Daybreak. In addition, water within the lakes may be used for irrigation purposes under a separate agreement with the Association. Neither the Founder, the Association, nor the Council shall be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of lakes, ponds, streams or other bodies of water within or adjacent to Daybreak.